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February 24, 2025

**VIA ECF**

Hon. David N. Hurd, U.S.D.J.  
Northern District of New York  
Alexander Pirnie Federal Bldg. and US Courthouse  
10 Broad Street  
Utica, NY 13501

Re: Harris v. Tioga County et. al.  
Case No. 3:17-cv-00932-DNH-TWD

Dear Judge Hurd,

I write with the consent of all parties to ask that the jury trial currently scheduled for April 28, 2025, be adjourned until October 27<sup>th</sup>, or date thereafter. We make this request because the New York State Executive Law Section 8B trial is set for March 17<sup>th</sup> and it will likely take three to four weeks to complete. Many of the same witnesses will be called at both trials, and of course, counsel for the plaintiff will be conducting both trials on Mr. Harris' behalf.

In reviewing this Court's trial rules and schedule, we note that the pre-trial filing deadlines and pretrial appearances actually fall on dates when we will be on trial in State Court. The Court may recall that this was a matter that was tried FOUR times in the state criminal courts before Mr. Harris' eventual acquittal and that there are dozens of witnesses for each side. Thus, preparation for either the state case or the trial before this Court will be a significant undertaking. Further, the civilian witnesses have expressed an inability to take multiple days off from work for two different trials in two different cities within what will amount to the same two-to-three-week period.

We waited until three weeks before the start of the state trial to make this application in the hope that there would be a global resolution. That appears highly unlikely, at least at this point. Lastly, we are asking for the 27<sup>th</sup> of October because some witnesses will not be available over the summer, and that is the first date when counsel for the plaintiff, and the three defendants, will all be available at the same time.

We are aware that this matter was set for trial several years ago and that the appeal to the circuit prevented the matter from moving forward. Baring any highly unusual circumstances this will be the last request for an adjournment.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. A. Barket', with a long horizontal flourish extending to the right.

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